

District Court for the Southern District of New York, before the Honorable Kenneth M. Karas, at 300 Quarropas St., Room 521, White Plains, NY 10601, for entry of an Order pursuant to Fed. R. Civ. P. 23(e):

- (i) approving as fair and adequate the class-wide settlement of this action;
- (ii) certifying as final the Settlement Class;
- (iii) approving as fair and reasonable Plaintiffs' counsel's application for attorneys' fees and expenses;
- (iv) awarding the proposed "service payments"; and
- (v) dismissing the action with prejudice.

PLEASE TAKE FURTHER NOTICE that in support of this application, Plaintiffs will rely upon the accompanying (i) Joint Declaration of Steven L. Wittels, Jeremy Heisler, and David W. Sanford, dated July 21, 2008 with annexed exhibits, (ii) Supporting Memorandum of Law dated July 21, 2008, (iii) Certification of Jennifer M. Keough Regarding Mailed Notice and Claims Administration, and (iv) Certification of Glenn Pomerantz, CPA, Partner, Litigation and Fraud Investigation Practice, BDO Seidman, in Support of Final Approval of Classwide Settlement of this Action, together with all prior pleadings and proceedings in this matter.

Dated: July 21, 2008
New York, New York

/s/ Steven L. Wittels
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